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A TREATISE UPON THE LAW OF PLEADING UNDER THE CODES OF CIVIL PROCEDURE. By PHILEMON BLISS, LL.D., Professor of Law in the Missouri State University, and late Judge of the Supreme Court of Missouri. Third Edition. Revised and Annotated by E. F. JOHNSON, B.S., LL.M., Instructor of Law in the University of Michigan. St. Paul, Minn.: West Publishing Company. 1894.

The first edition of this work appeared in 1878, the second in 1887, and, as the learned editor says, the flattering reception given it by the Bench and Bar of the Code States, has called for a third edition in 1894.

As a working tool it, of course, appeals particularly to the practitioners of the Code States, now numbering twenty-six, but to those of the profession who desire to keep abreast with the progress of the law, to those who recognize that the law is a progressive science, it is entitled to careful study, even in States where special pleading and common law practice still hold their disciples in feudal tenure.

The author has perceived the distinction between the two classes of text books—digest and commentaries, and has the wisdom to elect for his subject the latter, and to discuss principles, although always with deference to judicial opinions. His book is not only a treatise but an apology, in the best etymological sense, on and of the system of Code Pleading. He indicates the reasons for its slow evolution, the want of harmony, the harsh discord due to the hostile conservatism of the Bench, and to the fact that it had to be worked out by legal minds inspired with a reverence for the old artificial forms of the common law which amounts to fetish worship. The learned author says on this point: "To this conservatism, as well as the disfavor or timidity with which the new system was received, we owe the fact that some of the rules peculiar to the common law, and opposed to the spirit of the new, are still cherished."

The point which a study of this book has forced upon the conviction of the reviewer, is that it exposes in terms the fallacious and shallow theory that it needs no acumen or learning

to be a good pleader under the code practice, but that the ignorant and learned, the charlatan and the lawyer are on a footing. The author has expressed this thought, to which we wish to lend the weight of our conversion and conviction, with such felicity in his preface that we venture to quote from it again: "It is more necessary than before for the pleader to be a good and careful lawyer; also, that he should be able to write good English. His knowledge must be substantial and in studying his statement he studies his case. He must know what issuable facts will constitute a cause of action and must put there nothing else. One who becomes thoroughly familiar with the principles illustrated in this work cannot but become a good pleader—that is, if he understands his case."

We have addressed ourselves principally to the scientific import of the book for the consideration of the profession in "common law States" as a working tool in "Code States." The book is a good one.

The subject-matter is well marshalled, the broad underlying principles are sought for, explained, demonstrated. Sufficient authorities are cited. The writer evidences that his learning on the subject and science of pleading is broad and deep. The style is clear and forcible. Due attention has been paid to table of contents, table of cases and index, all of which are always of commanding importance. The make-up of the book is good; so also are its matter, method and manner, and we believe it must continue to command respect and attention.

E. P. ALLINSON.

HANDBOOK OF THE LAW OF CONTRACTS. By WM. L. CLARK, Jr. Hornbook Series. St. Paul, Minn.: West Publishing Co., pp. 923. Price, \$3.75.

This is one of the new series of attractive text-books issued by the West Publishing Co., under the name of the "Hornbook Series." The reason for the name of the series lies in the fact that the well established general propositions of law are printed at the head of each section in bold black-letter type. The present volume contains three hundred and